UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

S.B., a minor student, by and through his parents, M.B. and L.H., *et al.,*	)))	
Plaintiffs,	))	
v.	)))	No. 3:21-cv-00317-JRG-DCP
GOVERNOR BILL LEE, in his official capacity as GOVERNOR OF TENNESSEE, *et al.*,	)))	
Defendants.	))	

DEFENDANT GOVERNOR LEE'S MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION

Pursuant to Fed. R. Civ. P. 12(b)(1), Defendant Governor Bill Lee, in his official capacity as the elected chief executive of Tennessee, moves to dismiss the claims against him for lack of subject matter jurisdiction. Newly enacted Tennessee legislation, i.e., the COVID Act, Tenn. Code Ann. §§ 14-1-101—14-6-104, the termination of Executive Order 84, and the expiration of Tennessee's state of emergency render Plaintiffs' claims against Governor Lee moot, depriving the Court of subject-matter jurisdiction.

Because there no longer exists a live case or controversy for the Court to adjudicate, the Court should grant this Motion to Dismiss for Lack of Subject Matter Jurisdiction. Governor Lee's brief in support of this Motion to Dismiss for Lack of Subject Matter Jurisdiction is filed simultaneously herewith.

Respectfully submitted,

HERBERT H. SLATERY III
ATTORNEY GENERAL AND REPORTER

/s/ Reed Smith
*Reed Smith VA Bar No. 77334
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CERTIFICATE OF SERVICE

I hereby certify that on this the 20th day of January, 2022, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing report. Parties may access this filing through the Court's electronic filing system.

/s/ Reed N. Smith
Reed N. Smith, (VA BN 77334)*
Assistant Attorney General
–Admitted pro hac vice

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